



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/608,889	06/27/2003	Ganesh Sivaraman	915-006,019	7811

4955 7590 02/24/2009  
WARE FRESSOLA VAN DER SLUYS & ADOLPHSON, LLP  
BRADFORD GREEN, BUILDING 5  
755 MAIN STREET, P O BOX 224  
MONROE, CT 06468

EXAMINER

OSMAN, RAMY M

ART UNIT

PAPER NUMBER

2457

MAIL DATE

DELIVERY MODE

02/24/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/608,889

**Applicant(s)**

SIVARAMAN ET AL.

**Examiner**

RAMY M. OSMAN

**Art Unit**

2457

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 October 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-7, 16, 17 and 21-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7, 16, 17 and 21-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB-08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Status of Claims***

1. This action is responsive to amendment filed on October 20, 2008, where Applicant amended claims 1,16,17 and added new claim 23. Claims 1-7,16,17,21-23 are pending.

### ***Response to Arguments***

2. Applicant's arguments, filed 10/20/08, have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made below.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1,17,23 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 1 for example, line states "said retrieved information" and line 18 states "said information". It is unclear if these two limitations are referring to the same "retrieved" information. Line 6 seems to be referring to retrieving information stored IN a data store (of lines 2-3), while line 18 seems to be in regards to information that is only RELATED to the data store (i.e. the identification in lines 15-16). It is unclear how these two informations relate to each other relative to the data store, or how they can be resolved to be the same information. The claim appears contradictory in this manner.

5. **Claim 23** is rejected under 35 U.S.C. 112, second paragraph, as failing to comply with the written description requirement and rendering the claim indefinite. Claim elements, “means for” are means (or step) plus function limitations that invoke 35 U.S.C. 112, sixth paragraph. However, the written description fails to disclose the corresponding structure, material, or acts for the claimed function.

Applicant is required to:

- (a) Amend the claim so that the claim limitation will no longer be a means (or step) plus function limitation under 35 U.S.C. 112, sixth paragraph; or
- (b) Amend the written description of the specification such that it expressly recites what structure, material, or acts perform the claimed function without introducing any new matter (35 U.S.C. 132(a)).

If applicant is of the opinion that the written description of the specification already implicitly or inherently discloses the corresponding structure, material, or acts so that one of ordinary skill in the art would recognize what structure, material, or acts perform the claimed function, applicant is required to clarify the record by either:

- (a) Amending the written description of the specification such that it expressly recites the corresponding structure, material, or acts for performing the claimed function and clearly links or associates the structure, material, or acts to the claimed function, without introducing any new matter (35 U.S.C. 132(a)); or
- (b) Stating on the record what the corresponding structure, material, or acts, which are implicitly or inherently set forth in the written description of the specification, perform the claimed function. For more information, see 37 CFR 1.75(d) and MPEP 2181 and 608.01(o).

### ***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

- (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**7. Claims 1-7,16,17,21-23 rejected under 35 U.S.C. 102(e) as being anticipated by Singhal et al (US Patent No 6,925,481).**

8. In reference to claim 1, Singhal teaches a method, comprising:

generating a request at a user terminal device for retrieving information stored in at least one data store in another device (column 10 lines 15-25),

transmitting said generated request to said other device, which is specified by a predefined address information thereof (column 10 lines 15-35); and

applying said retrieved information received by said user terminal device to configure one or more applications executable thereat to enable said applications accessing said at least one data store to obtain data of at least one content type therefrom (column 9 lines 20-37 and column 12 lines 1-23), wherein said request comprises:

at least one data store descriptor suitable for characterizing said at least one data store, said at least one data store descriptor identifying at least one content type of data stored in said at least one data store (column 8 lines 57-67 and column 12 lines 24-37);  
and

a command for instructing a second device to identify at least one data store matching with said at least one data store descriptor, to retrieve information relating to said at least one identified data store and to return said retrieved information to said user device (column 8 line 57 – column 9 line 25 and column 16 lines 60-62),

wherein said information comprises address information of said at least one data store relative to said predefined address information of said other device (column 13 lines 33-63), and

wherein data of said at least one content type is provided at said user terminal device (column 15 lines 52-65).

9. In reference to claim 2, Singhal teaches the method according to claim 1, wherein said generating comprises: identifying said at least one data store descriptor to be coded (column 12 lines 24-37 and column 16 lines 60-62).

10. In reference to claim 3, Singhal teaches method according to claim 1, wherein said at least one data store descriptor comprises at least one data type descriptor relating to at least one data content type (column 8 line 57 – column 9 line 25 and column 16 lines 60-62).

11. In reference to claim 4, Singhal teaches the method according to claim 3, wherein said data type descriptor is a multipurpose Internet mail extension content type definition (column 15 lines 1-5).

12. In reference to claim 5, Singhal teaches the method according to claim 1, wherein said information relating to said at least one data store includes an address information for enabling access to said at least one data store (column 8 line 57 – column 9 line 25 and column 16 lines 60-62).

13. In reference to claim 6, Singhal teaches the method according to claim 1, wherein said request is based on the synchronization markup language protocol (column 6 lines 7-15).

14. In reference to claim 21, Singhal teaches the method according to claim 1, further comprising: retrieving data stored on said at least one identified data store using said one or more configured applications executed on said user terminal device in a subsequent process (column 12 lines 24-37).

15. In reference to claim 22, Singhal teaches the method according to claim 1, wherein said retrieved information relating to said at least one identified data store includes at least one of access control information, access right information, data store preferences and data store properties (column 12 lines 24-37).

16. In reference to claims 16,17,23 these are computer readable medium and device claims respectively that both correspond to the method claim of claim 1. Therefore, claims 16,17,23 are rejected based upon the same rationale as given for claim 1 above.

***Claim Rejections - 35 USC § 103***

17. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

18. **Claim 7 rejected under 35 U.S.C. 103(a) as being unpatentable over Singhal et al (US Patent No 6,925,481) in view of SyncML Protocol (December 2000).**

19. In reference to claim 7, Singhal teaches the method according to claim 6. Singhal fails to explicitly teach wherein said command of said request is a modified ALERT command having a specific ALERT CODE and including a META element containing a TYPE element for defining said at least one data store descriptor. However, these are old and well known features of SyncML as described in the SyncML Protocol (see at least pgs 10,33-35,53). It therefore would have been obvious for one of ordinary skill in the art to modify Singhal wherein the command of said request is a modified ALERT command having a specific ALERT CODE and including a

META element containing a TYPE element for defining said at least one data store descriptor as is described in the SyncML protocol standard for the purpose of retrieving data store information.

### *Conclusion*

20. The above rejections are based upon the broadest reasonable interpretation of the claims. Applicant is advised that the specified citations of the relied upon prior art, in the above rejections, are only representative of the teachings of the prior art, and that any other supportive sections within the entirety of the reference (including any figures, incorporation by references, claims and/or priority documents) is implied as being applied to teach the scope of the claims.

21. Applicant may not introduce any new matter to the claims or to the specification. For any subsequent response that contains new/amended claims, Applicant is required to cite its corresponding support in the specification. (See MPEP chapter 2163.03 section (I.) and chapter 2163.04 section (I.) and chapter 2163.06)

22. In formulating a response/amendment, Applicant is encouraged to take into consideration the prior art made of record but not relied upon, as it is considered pertinent to applicant's disclosure. See attached Form 892.

23. Applicant's amendment necessitated the new ground(s) of rejection presented in this

Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,



however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to RAMY M. OSMAN whose telephone number is (571)272-4008. The examiner can normally be reached on M-F 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Ramy M Osman/  
Examiner, Art Unit 2457

February 11, 2009

/ARIO ETIENNE/

Supervisory Patent Examiner, Art Unit 2457